

Appl. No.: 09/902,361
Amdt. dated 03/15/2006
Reply to Office Action of December 15, 2005

REMARKS/ARGUMENTS

Applicants respectfully request consideration of the present application in view of the amendments above and the following remarks, which are responsive to the Office Action mailed December 15, 2005. Following such changes, Claims 2-5, 8, 10-12, and 16-27, 29-30, 32-33, and 35-36 remain pending in the application. Claims 1, 6, 7, 9, 13, 14, 15, 28, 31, and 34 have been cancelled.

In the Office Action, Claims 2-5, 8, 10-12, and 15-36 were noted as pending in the application. Claims 19-21 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter and Claims 2-5, 8, 10-12, and 15-36 were rejected under 35 U.S.C. §103(a). The rejections are addressed separately below.

Rejection of Claims 19-21 under 35 U.S.C. § 101

The Examiner rejected Claims 19-21 under 35 U.S.C. § 101 stating that “Claims 19-21 are directed solely to applications (viewed as computer programs) *per se*. Such applications are not embodied in any computer readable medium. See MPEP 2106.” Applicants have amended Claims 19-21 into computer readable medium format to address this rejection. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of Claims 19-21.

Rejection of Claims under 35 U.S.C. § 103(a)

On page 3 of the Office Action, the Examiner rejected Claims 31, 2-5, 8, 11, 12, 15, 18, 19-21, 25, 27, 28, 30, and 32-36 under 35 U.S.C. § 103(a) in light of U.S. Patent No. 6,594,641 to Southam (“Southam”) in view of U.S. Patent No. 4,958,280 to Pauly (“Pauly”). In addition, on pages 4 and 5 of the Office Action, the Examiner rejected Claims 10, 16, 17, 23, 24, 26, and 29 under § 103(a) in light of the *Southam* patent in view of the *Pauly* patent and U.S. Published Patent Application No. 2002/0032668 to Kohler (“Kohler”).

Applicants have cancelled independent Claims 15, 28, 31, and 34. In addition, Applicants have amended independent Claims 2, 8, 16, 19, 22, 25, and 29 and dependent Claims 3-4, 10-11, 17-18, 20-21, 30, 32-33, and 35-36. In light of these amendments, which are

discussed in detail below, Applicants respectfully assert that the *Southam* patent, the *Pauly* patent, and the *Kohler* application, individually or in combination, do not teach or suggest all of the elements of independent Claims 2, 8, 16, 19, 22, 25, and 29. Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent Claims 2, 8, 16, 19, 22, 25, and 29 and dependent Claims 3-4, 10-11, 17-18, 20-21, 23-24, 26-27, 30, 32-33, and 35-36.

Independent Claim 2

Amended independent Claim 2 recites a method for product order processing that includes the step of providing the order fulfillment status to the entity that placed the order. Applicants respectfully assert that the *Southam* patent, the *Pauly* patent, and the *Kohler* application, individually or in combination, fail to disclose or suggest the step of providing order fulfillment status to the entity that placed the order. Accordingly, Applicants respectfully request that the rejection of amended Claim 2 be withdrawn.

Independent Claims 8, 16, 19, 22, 25, and 29

Amended Claim 8 recites a method for product order processing that includes the step of communicating the order fulfillment status to the entity that submitted the order. Amended Claim 16 recites an order entry and visibility system that includes a first communications device configured to receive ongoing status information related to the product order. Amended Claim 19 recites a product order entry and visibility system that includes a product order entry and visibility application that is configured to present order status information to an entity that placed the order. Previously presented Claim 22 recites a means for providing immediate order fulfillment status information to the purchaser. Amended Claim 25 recites a program of instructions comprising the step of providing the order fulfillment status information to the first communications device, which receives product order entry information. Amended Claim 29 recites a communication device program product comprising code that includes a computer-readable program means for communicating via the communications network the order fulfillment status of at least a portion of the product order. Because the *Southam* patent, the *Pauly* patent, and/or the *Kohler* application, individually or in combination, fail to disclose or

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suggest each of the respective elements of independent Claims 8, 16, 19, 22, 25, and 29, the Applicants respectfully request that the rejection of these claims be withdrawn.

Dependent Claims 3-5, 10-12, 17-18, 20-21, 23-24, 26-27, 30, 32-33, and 35-36

In addition, Claims 3-5 and 32-33 depend from Claim 2 and include all of the limitations of Claim 2 plus additional limitations that are not disclosed in the prior art; Claims 11-12 and 35-36 depend from Claim 8 and include all of the limitations of Claim 8 plus additional limitations that are not disclosed in the prior art; Claim 18 depends from Claim 16 and includes all of the limitations of Claim 16 plus additional limitations that are not disclosed in the prior art; Claims 20-21 depend from Claim 19 and include all of the limitations of Claim 19 plus additional limitations that are not disclosed in the prior art; Claim 27 depends from Claim 25 and includes all of the limitations of Claim 25 plus additional limitations that are not disclosed in the prior art; and Claim 30 depends from Claim 29 and includes all of the limitations of Claim 29 plus additional limitations that are not disclosed in the prior art. Accordingly, because independent Claims 2, 8, 16, 19, 22, 25, and 29 are patentably distinguishable over the prior art cited for the reasons stated above, dependent Claims 3-5, 10-12, 17-18, 20-21, 23-24, 26-27, 30, 32-33, and 35-36 are also patentably distinguishable over the prior art cited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:
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on March 15, 2006

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